

# House File 609 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 81)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring certain private sewage disposal system-related  
2 inspections to be conducted when certain property is sold or  
3 transferred and including an effective date provision.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1427HV 82  
6 tm/gg/14

PAG LIN

1 1 Section 1. Section 455B.172, Code 2007, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 11. a. A building where a person  
1 4 resides, congregates, or is employed that is served by a  
1 5 private sewage disposal system shall have the sewage disposal  
1 6 system serving the building inspected prior to any transfer of  
1 7 ownership of the building. The requirements of this  
1 8 subsection shall be applied to all types of ownership transfer  
1 9 including at the time a seller financed real estate contract  
1 10 is signed. The county recorder shall not record a deed or any  
1 11 other property transfer or conveyance document until either a  
1 12 certified inspector's report is provided which documents the  
1 13 condition of the private sewage disposal system and whether  
1 14 any modifications are required to conform to standards adopted  
1 15 by the department or, in the event that weather or other  
1 16 temporary physical conditions prevent the certified inspection  
1 17 from being conducted, the buyer has executed and submitted a  
1 18 binding acknowledgement with the county board of health to  
1 19 conduct a certified inspection of the private sewage disposal  
1 20 system at the earliest practicable time and to be responsible  
1 21 for any required modifications to the private sewage disposal  
1 22 system as identified by the certified inspection. Any type of  
1 23 on-site treatment unit or private sewage disposal system must  
1 24 be inspected according to rules developed by the department.  
1 25 For purposes of this subsection, "transfer" means the same as  
1 26 defined in section 558A.1.  
1 27 b. At the time of inspection, any septic tank existing as  
1 28 part of the sewage disposal system shall be opened and have  
1 29 the contents pumped out and disposed of as provided for by  
1 30 rule. In the alternative, the owner may provide evidence of  
1 31 the septic tank being properly pumped out within one year  
1 32 prior to the inspection by a commercial septic tank cleaner  
1 33 licensed by the department which shall include documentation  
1 34 of the size and condition of the tank and its components at  
1 35 the time of such occurrence.  
2 1 c. If a private sewage disposal system is failing to  
2 2 ensure effective wastewater treatment or is otherwise  
2 3 improperly functioning, the private sewage disposal system  
2 4 shall be renovated to meet current construction standards, as  
2 5 adopted by the department, either by the seller or, by  
2 6 agreement, within a reasonable time period as determined by  
2 7 the county or the department, by the buyer. If the private  
2 8 sewage disposal system is properly treating the wastewater and  
2 9 not creating an unsanitary condition in the environment at the  
2 10 time of inspection, the system is not required to meet current  
2 11 construction standards.  
2 12 d. Inspections shall be conducted by an inspector  
2 13 certified by the department.  
2 14 e. Pursuant to chapter 17A, the department shall adopt  
2 15 certification requirements for inspectors including training,  
2 16 testing, and fees, and shall establish uniform statewide

2 17 inspection criteria and an inspection form. The inspector  
2 18 certification training shall include use of the criteria and  
2 19 form. The department shall maintain a list of certified  
2 20 inspectors.  
2 21 f. County personnel are eligible to become certified  
2 22 inspectors. A county may set an inspection fee for  
2 23 inspections conducted by certified county personnel. A county  
2 24 shall allow any department certified inspector to provide  
2 25 inspection services under this subsection within the county's  
2 26 jurisdiction.  
2 27 g. Following an inspection, the inspection form and any  
2 28 related reports shall be provided to the county for  
2 29 enforcement of any follow-up mandatory system improvement and  
2 30 to the department for record.  
2 31 h. An inspection is valid for a period of two years for  
2 32 any ownership transfers during that period. Title abstracts  
2 33 to property with private sewage disposal systems shall include  
2 34 documentation of the requirements in this subsection.  
2 35 Sec. 2. EFFECTIVE DATE. This bill takes effect July 1,  
3 1 2008.

3 2 EXPLANATION

3 3 This bill relates to certain water treatment and  
3 4 supply-related inspections conducted when certain property is  
3 5 sold or otherwise transferred.  
3 6 The bill requires a building where a person resides,  
3 7 congregates, or is employed that is served by a private sewage  
3 8 disposal system to have the sewage disposal system serving the  
3 9 building inspected prior to any transfer of ownership of the  
3 10 building. The bill provides that, at the time of inspection,  
3 11 any septic tank existing as part of the sewage disposal system  
3 12 shall be opened and have the contents pumped out and disposed  
3 13 of as provided for by rule. In the alternative, the owner may  
3 14 provide evidence of the septic tank being properly pumped out  
3 15 within one year prior to the inspection by a licensed  
3 16 commercial septic tank cleaner.  
3 17 The bill provides that, if a private sewage disposal system  
3 18 is failing to ensure effective wastewater treatment or is  
3 19 otherwise improperly functioning, the private sewage disposal  
3 20 system shall be renovated to meet current construction  
3 21 standards. The bill provides that, if the private sewage  
3 22 disposal system is properly treating the wastewater and not  
3 23 creating an unsanitary condition in the environment at the  
3 24 time of inspection, the system is not required to meet current  
3 25 construction standards. The bill requires inspections to be  
3 26 conducted by an inspector certified by the department.  
3 27 The bill requires the department to adopt certification  
3 28 requirements for inspectors and to maintain a list of  
3 29 certified inspectors.  
3 30 The bill allows county personnel to be eligible to become  
3 31 certified inspectors. The bill allows a county to set an  
3 32 inspection fee for inspections conducted by certified county  
3 33 personnel. The bill requires a county to allow any department  
3 34 certified inspector to provide inspection services within the  
3 35 county's jurisdiction.  
4 1 The bill includes reporting requirements following  
4 2 inspections.  
4 3 The bill provides that an inspection will be valid for a  
4 4 period of two years for any property transfers during that  
4 5 period and that title abstracts to property with private  
4 6 sewage disposal systems shall include documentation of the  
4 7 bill's requirements.  
4 8 The bill takes effect July 1, 2008.  
4 9 LSB 1427HV 82  
4 10 tm:nh/gg/14